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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,674	04/13/2001	Shunpei Yamazaki	12732-028001	2128
26171	7590	07/13/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			MACKOWEY, ANTHONY M	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,674

Applicant(s)

YAMAZAKI ET AL.

Examiner

Anthony Mackowey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) 13-34, 39-42, 47-50, 63-84, 89-92 and 97-100 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 35-38, 43-46, 51-62, 85-88, 93-96 and 101-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001, 25 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/25/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

The amendment filed April 25, 2005 has been entered and made of record.

Applicant has submitted replacement sheets indicating Figures 16 and 17 as Prior Art. The objection of Figures 16 and 17 has been withdrawn.

Applicant's arguments with respect to claims 1-12, 35-38, 43-46, 51-62, 85-88, 93-96 and 101-108 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed April 25, 2005 have been fully considered but they are not persuasive. Beginning on the second-to-last page, last two lines, through the last page of applicant's remarks, applicant addresses claim rejections based on Official Notice taken by the examiner. After recitations of Official Notice used in the Office Action, applicant responds with "Applicant traverses." however no further arguments are presented to traverse the rejections using Official Notice. Since no arguments are presented, the traversal is not found to be persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 35-38, 43-46, 51-62, 85-88, 93-96 and 101-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter (USPN 6,657,538, cited on applicant's IDS) in view of Harkin (USPN 6,327,376, corresponding to WO 99/28701, cited on applicant's IDS).

Regarding claims 1 and 51, Ritter discloses a system and method for identifying an individual, comprising: a display (column 4, line 25-32); a means for reading biological information of a user (column 4, line 16-25); a means for checking read biological information with reference biological information (column 4, line 32-52); and a means for transmitting information about a checking result to a destination of communication in the case where said checking has matched (column 5, line 9-48). Ritter does not disclose that the display is a sensor-incorporated display or that the biological information of a user is read by means of said sensor-incorporated display. Ritter also does not disclose a flash memory for storing reference biological information.

Harkin discloses an electronic apparatus comprising fingerprint sensing devices constructed using transparent sense electrodes and combined with a flat panel display device such that fingerprints are sensed as the user is interacting with the display (column 9, line 14-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to read biological information of a user by means of a sensor-incorporated display as taught by Harkin in order to dispose the sensing device over a display while still allowing the output of the display to be viewed for use in the field of portable electronic products using displays such as mobile phones, smart cards, personal digital assistants (PDAs), and other portable computers while avoiding the

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need for a larger casing or sacrificing an area of the casing that could otherwise be used for other purposes (column 4, line 8-35).

Ritter discloses storing the biometric keys (biological information on a SIM-card, which is inserted into a communication device (col. 1, lines 46-49). Page 10, first paragraph of the specification recites, "This portable communication device is identical with conventional ones in having an antenna 601, a transmission and reception circuit 602, a signal processing circuit 603 to compress, expand and encode signals, a microcomputer 604 for control, a flash memory 605, a keyboard 606, a voice input circuit 607, voice output circuit 608, a microphone 609, a speaker 610 and, in addition, this device further has a sensor- incorporated display 611, a checking circuit part 612, etc." Examiner takes Official Notice that flash memory for storing data is well known in the art of portable electronic and communication devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the communication device taught by Ritter to alternatively store the reference biological information in flash memory instead of a SIM-card. One would have been motivated to use flash memory because it is suitable for long time saving, with no power required for storage, and can be expanded (via replacement or additional cards) to store larger amounts of data.

Regarding claims 7 and 57, Ritter discloses a system and method for identifying an individual, comprising: a sensor-incorporated display (see above discussion of claims 1 and 51); a means for reading biological information of a user (column 4, line 16-25) by means of said sensor-incorporated display; a means for checking read biological information with reference biological information (column 4, line 32-52); a

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means for transmitting information about a checking result to a destination of communication in the case where said checking has matched (column 5, line 9-48); and a means for notifying said user (provide client and operator with instructions via user interface), after said destination of communication receives information that said checking has matched, that communication between said user and said destination of communication has been authorized (column 4, line 32-52; column 5, line 9-33). Ritter does not disclose a flash memory for storing reference biological information. With regard to flash memory, arguments analogous to those presented above for claims 1 and 51 are applicable to claims 7 and 57. The examiner notes that Ritter does not explicitly disclose notifying the user that communication has been authorized, but it is obvious if not inherent that the user is informed of the authentication decision. It would have been obvious to one of ordinary skill in the art at the time the invention was made to notify said user, after said destination of communication receives information that said checking has matched, that communication between said user and said destination of communication has been authorized in order to inform the user whether or not communication has been authorized so that the user may take appropriate action.

Regarding claims 35 and 85, Ritter discloses a system and method for identifying an individual, comprising: a sensor-incorporated display (see above discussion of claims 1 and 51); a means for reading biological information of a user (column 4, line 16-25) by means of said sensor-incorporated display; a means for checking read biological information with reference biological information (column 4, line 32-52); and a means for transmitting information about a checking result to a destination of

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communication through Internet (column 5, line 9-48; column 6, line 1-15). Ritter does not disclose a flash memory for storing reference biological information. With regard to flash memory, arguments analogous to those presented above for claims 1 and 51 are applicable to claims 35 and 85.

Regarding claims 43 and 93, Ritter discloses a system and method for identifying an individual, comprising: a sensor-incorporated display (see above discussion of claims 1 and 51); a means for reading biological information of a user (column 4, line 16-25) by means of said sensor-incorporated display; a means for checking read biological information with reference biological information (column 4, line 32-52); a means for transmitting information about a checking result to a destination of communication through Internet (column 5, line 9-48; column 6, line 1-15); and a means for notifying said user (provide client and operator with instructions via user interface) that the communication between said user and said destination of communication has been authorized after said destination of communication receives information that said checking has matched (column 4, line 32-52; column 5, line 9-33; see above discussion of claims 7 and 57). Ritter does not disclose a flash memory for storing reference biological information. With regard to flash memory, arguments analogous to those presented above for claims 1 and 51 are applicable to claims 43 and 93.

Regarding claims 2, 8, 52 and 58, Ritter discloses that said biological information of said user is a palm pattern or fingerprints (column 2, line 52-61).

Regarding claims 3, 9, 53 and 59, neither Ritter nor Harkin explicitly disclose that said biological information of said user is the whole or a part of said user's palm. The

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examiner takes Official Notice that palm imaging is well known in the art of biometrics.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the whole or part of the user's palm as said biological information in order to identify the user based on the pattern of the palm.

Regarding claims 4, 10, 36, 44, 54, 60, 86 and 94, Harkin discloses the sensor-incorporated display is a light emitting display (col. 8, line 48-50; Harkin discloses that said sensor-incorporated display may include a light source such as LEDs.).

Regarding claims 5, 11, 37, 45, 55, 61, 87 and 95, Harkin discloses that said sensor-incorporated display is an EL (electroluminescent) display (column 9, line 64-67).

Regarding claims 6, 12, 38, 46, 56, 62, 88 and 96, Harkin discloses that said sensor-incorporated display is a contact type area sensor (column 5, line 54-column 6, line 23, line 58-column 7, line 10).

Regarding claims 101-108, Harkin discloses that said sensor-incorporated display is comprised in a portable communication device (Figures 7 and 8; column 10, line 1-28).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Mackowey whose telephone number is (571) 272-7425. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (571) 272-7414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AM
7/5/2005

JINGGE WU
PRIMARY EXAMINER

